

RESOLUTION NO. 2015-140

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING THE SALE OF CERTAIN SOLID WASTE COLLECTION VEHICLES IN AN "AS IS" CONDITION TO PROGRESSIVE WASTE SOLUTIONS OF FL, INC., A DELAWARE CORPORATION, PURSUANT TO SECTION 28.11 "SALE OF CITY VEHICLES" OF THE EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF HIALEAH, FLORIDA AND PROGRESSIVE WASTE SOLUTIONS OF FL, INC. FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE AUTHORIZED PURSUANT TO HIALEAH ORDINANCE 2015-37 (AUG. 19, 2015); AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE ON BEHALF OF THE CITY OF HIALEAH, FLORIDA, A BILL OF SALE, ANY OTHER DOCUMENTS NECESSARY TO TRANSFER TITLE, AND ANY OTHER USUAL AND CUSTOMARY DOCUMENTS IN FURTHERANCE HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City granted an exclusive franchise to Progressive Waste Solutions of FL, Inc., for the collection of residential solid waste on August 16, 2015, as authorized by Hialeah Ordinance 2015-37; and

WHEREAS, Section 28.11 of the Exclusive Franchise Agreement, dated August 26, 2015, contemplates the sale of the City's fleet of vehicles and equipment used in its collection of municipal solid waste to Progressive Waste Solutions of FL, Inc. and identified in Exhibit 8 to the Agreement;

WHEREAS, the City has determined that the negotiated total sales price exceeds the expected proceeds from a sale at a public auction by at least 30%; and

WHEREAS, the Exclusive Franchise Agreement was awarded through a competitive bidding process; and

WHEREAS, the City finds it is in the best interest of the public that public sale of the fleet of vehicles and equipment used in the collection of municipal solid waste be waived;

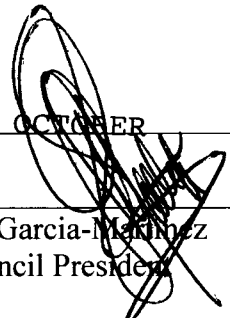
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby authorizes the sale of certain solid waste collection vehicles and equipment in an “as is” condition to Progressive Waste Solutions of FL, Inc., a Delaware Corporation, pursuant to Section 28.11 “Sale of City Vehicles” of the Exclusive Franchise Agreement between the City of Hialeah, Florida and Progressive Waste Solutions of FL, Inc. for the collection of residential solid waste authorized pursuant to Hialeah Ordinance 2015-37 (Aug. 19, 2015).

Section 2: The City Council hereby authorizes the Mayor and the City Clerk, as attesting witness, to execute on behalf of the City of Hialeah, Florida, a bill of sale, any other documents necessary to transfer title, and any other usual and customary documents in furtherance hereof.

Section 3: This resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

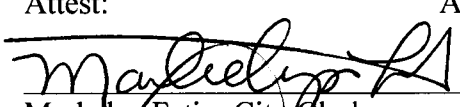
PASSED AND ADOPTED this 27 day of OCTOBER, 2015.



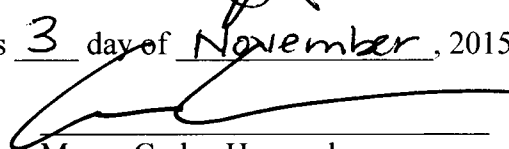
Isis Garcia-Martinez
Council President

Attest:

Approved on this 3 day of November, 2015.

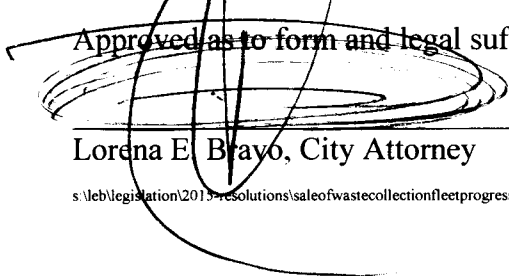


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

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Resolution was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting “Yes”.